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5 *Attorney for Plaintiff*  
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11 IN THE UNITED STATES DISTRICT COURT FOR THE  
12 NORTHERN DISTRICT OF CALIFORNIA  
13  
14 SAN JOSE DIVISION  
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17 HARD DRIVE PRODUCTIONS, INC., ) **No. C-11-03682 LHK**  
18 Plaintiff, )  
19 v. ) **RULE 26(f) REPORT**  
20 DOES 1-166, )  
21 Defendant(s). )  
22  
23 \_\_\_\_\_ )  
24

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27  
28 **RULE 26(f) REPORT**

29 Plaintiff Hard Drive Productions, Inc., by and through its counsel, hereby submits this Rule  
30 26(f) Report pursuant to the Court's Order Setting Initial Case Management Conference and ADR  
31 Deadlines (Doc. No. 3), Federal Rules of Civil Procedure (hereinafter "FRCP") Rules 26(a)(1) and  
32 26(f), and Northern District of California Civil Local Rule (hereinafter "L.R.") 16-9(a):

33 **1. Individuals Likely to Have Discoverable Information:**

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- Paul Pilcher, CEO of Hard Drive Productions, Inc.
- Peter Hansmeier – 161 North Clark Street, Suite 3200, Chicago, Ill., 60601.
- Person Most Knowledgeable ("PMK") at Internet Service Providers in their Subpoena  
Department – Legal Department Compliance Contact Information.

- 1     • Movant – [“Jane Doe” – Identifying Information Currently Unknown].
- 2     • Doe Defendant(s)/Subscriber(s) – Unidentified.
- 3     • Plaintiff reserves the right to add to this list of individuals identified as necessary in
- 4         the future.

5     **2. Documents, Electronically Stored Information, and Tangible Things:**

- 7     • Physical Documents – Plaintiff’s copyright records.
- 8     • Electronically Stored Information – BitTorrent auditor, forensic information
- 9         demonstrating infringing activity over the BitTorrent.

10    **3. Projected Discovery Timelines:**

11         At this point, any projected timelines are premature for reasons explained in Plaintiff’s Case  
 12 Management Conference Statement. (See ECF No. 30).

13    **4. Subjects on Which Discovery, Including Electronic Discovery, Will be Needed:**

15         As noted in Plaintiff’s Case Management Conference Statement (ECF No. 30), on August 2,  
 16 2011, Plaintiff filed an *Ex Parte* Application for Leave to Take Expedited Discovery. (ECF No. 5).  
 17 On August 5, 2011, that Application was granted. (ECF No. 7). However, at this time, for the  
 18 reasons explained in Plaintiff’s Case Management Statement, the identifying information relating to  
 19 the account holders whose IP addresses were used to unlawfully infringe upon Plaintiff’s  
 20 copyrighted works is currently only partially known to Plaintiff (ECF No. 30).

21         Beyond that, more expedited discovery may be necessary depending on whether the  
 22 subscriber identifying information allows Plaintiff to actually identify the Doe Defendant. *At this*  
 23 *point*, however, Plaintiff’s *Ex Parte* Application for Leave to Take Expedited Discovery is the only  
 24 foreseeable discovery in the immediate future. Whether a future discovery request will be necessary  
 25 is entirely dependent on the information that Plaintiff has not yet received from the ISPs. (ECF Nos.  
 26

1 5, 7). Any speculation about the need for further expedited discovery necessary to name Doe  
2 Defendant(s) in this case would be exactly that: speculation.

3 **5. Objections:**

4 Plaintiff objects to the Court requiring Plaintiff to make any projected deadlines in this case  
5 at this time.

6 **6. Discovery Motion Currently Pending:**

7 N/A.

9 **7. Other Issues:**

10 N/A.

12 Respectfully Submitted,

13 STEELE HANSMEIER PLLC,

15 **DATED: October 31, 2011**

16 By: /s/ Brett L. Gibbs, Esq.

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 31, 2011, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system, in compliance with Local Rule 5-6 and General Order 45.

/s/ Brett L. Gibbs  
Brett L. Gibbs, Esq.